



3736
Patent
VM7010755001
(267/032)

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Majid L. Riazat et al.

Serial No.: 09/940,679

Filed: August 27, 2001

**For: APPARATUS AND SYSTEM FOR
POSITIONING A PATIENT**

)
) **Group Art Unit:** Not Yet Assigned

)
) **Examiner:** Not Yet Assigned

)
) **Publication No.** 2002/0023652 A1

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DEC 24 2003
TECHNOLOGY CENTER R3700

REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION

Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified patent application was filed in the United States Patent and Trademark Office on August 27, 2001. However, Applicant has become aware that the preliminary amendment, initially filed along with the application, was overlooked prior to its publication on February 28, 2002. Both the Filing Receipt, mailed October 10, 2001 (Exh. A), and the Published Application (Exh. B), from the U.S. Patent and Trademark Office, fail to incorporate this amendment for the above-identified application. Particularly, Applicant notes that the amendments to the title and claims are not reflected in the published application. In addition, the published application does not include all of the submitted drawings.

In contacting the Office of Initial Patent Examination on December 4, 2003, to inquire about the status of this application, Applicant mentioned that perhaps the Preliminary Amendment was overlooked. Ms. M. Young of the OIPE concurred, and consequently faxed a Corrected Filing Receipt (Exhibit C), reflecting the accurate title for U.S. Serial No. 09/940,679. She mentioned that the Patent and Trademark Office scanned only the 7 sheets of the formal drawings, but not the 10 sheets of the informal drawings.


Applicant requests that the title, claims, and drawings of the Patent Application Publication No. 2000/0023652 A1 be corrected to accurately reflect the application filed on August 27, 2001, which included a preliminary amendment (Exh. D). The Corrected Application Publication should incorporate the preliminary amendment of August 27, 2001, and should include the 10 sheets of informal drawings (16 Figs.). Exhibit E includes our application transmittal (Filing Under 37 CFR § 1.53(b)) showing that 10 informal drawings, as well as the 7 sheets of formal drawings of the parent, which were sent on August 27, 2001. Both sets of filed drawings are also attached as Exh. E.

Kindly provide us with a Corrected Patent Application Publication for Serial No. 09/940,679, filed on August 27, 2001. Should you need to reach me for further questions, please e-mail me at gerald.chan@bingham.com, or contact me at the telephone, giving below.

Dated: 12/15/03

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4960

Respectfully submitted,
BINGHAM McCUTCHEN LLP

By: 
Gerald Chan
Reg. No. 51,541

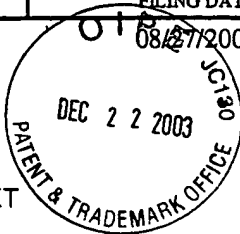


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/940,679	08/27/2001	Majid L. Riazat	267/032

22249
LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071



CONFIRMATION NO. 5559



OC000000007550907

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TECHNOLOGY CENTER R3700

Title: Method and system for positioning patients for medical treatment procedures

Publication No. US-2002-0023652-A1
Publication Date: 02/28/2002

Date Mailed: 02/28/2002

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Crystal Gateway 4, Room 335, Washington, D.C. 20231, or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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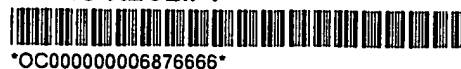
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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/940,679	08/27/2001	3736	710	267/032	7	20	3

CONFIRMATION NO. 5559

FILING RECEIPT



22249
LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071



Date Mailed: 10/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Majid L. Riazat, San Jose, CA;
Marcel Marc, San Jose, CA;
Stanley Mansfield, Sunnyvale, CA;
Hassan Mostafavi, Los Altos, CA;

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TECHNOLOGY CENTER R9700

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/178,385 10/23/1998 PAT 6,279,579

Foreign Applications

If Required, Foreign Filing License Granted 10/09/2001

Projected Publication Date: 01/17/2002

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for positioning patients for medical treatment procedures

Preliminary Class

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OCT 15 2001
U.S. PROSECUTION

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

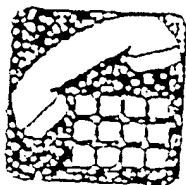
The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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Patent and Trademark Office
Office of Initial Patent Examination (OIPE)



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TECHNOLOGY CENTER R3700

DATE: Dec 4, 03

SEND TO: Carolyn Tobias

Fax Number: 650-849-4800

Office Telephone Number: _____

FROM: M. Young

Fax Number: 703-746-6617

Office Telephone Number: _____

Pages Sent (Including cover sheet) 3



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/940,679	08/27/2001	3736	710	267/032	7	20	3

23639
BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO, SUITE 1800
SAN FRANCISCO, CA 94111-4067

CONFIRMATION NO. 5559

CORRECTED FILING RECEIPT

OC000000011425123

Date Mailed: 12/05/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Majid L. Riazat, San Jose, CA;
Marcel Marc, San Jose, CA;
Stanley Mansfield, Sunnyvale, CA;
Hassan Mostafavi, Los Altos, CA;

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TECHNOLOGY CENTER R3700

Domestic Priority data as claimed by applicant

This application is a DIV of 09/178,385 10/23/1998 PAT 6,279,579

Foreign Applications

If Required, Foreign Filing License Granted: 10/09/2001

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and system for positioning a patient

Preliminary Class

128

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 267/032
First Named Inventor: Majid Raiziat et al.
Prior Application Information:
Serial No. 09/178,385
Examiner: Unknown
Art Unit: 3736

Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

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FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☒ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/178,385 filed on October 23, 1998, which will issue as U.S. Patent No. 6,279,579 on August 28, 2001, by

Majid Riaziat et al., entitled:

Apparatus And System For Positioning A Patient

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

EL846342581US

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL846342581US

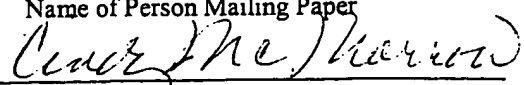
Express Mail Label No.

August 27, 2001

Date of Deposit

Cindy McMorrow

Name of Person Mailing Paper


Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

18 Page(s) of Written Description
5 Page(s) of Claims
1 Page(s) of Abstract
10 Sheet(s) of Drawings ☐ formal ☒ informal
7 Sheet(s) of Drawings ☒ formal ☐ informal
3 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
____ Other:

- ☐ Assignment papers (cover sheet and documents(s))
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$710.00
Total Claims	20	-	20	=	0 x \$18.00	\$0.00
Independent Claims	3	-	3	=	0 x \$80.00	\$0.00
Multiple Dependent Claims	\$270	(if applicable)			<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$710.00
Reduction by ½ for Filing by Small Entity.						<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
TOTAL FEES DUE HERewith						\$710.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☒ Cancel in this application original Claims 1-27 and 36-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☐ Relate back information included in preliminary amendment or specification.
- ☒ Please amend the specification as follows:

This application is a divisional application of Serial No. 09/178,385, filed October 23, 1998, which will issue as U.S. Patent No. 6,279,579 on August 28, 2001.

- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
 - ☒ the same.
 - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
[Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \$710.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application (copy enclosed).
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(408) 993-1555

Please direct all inquiries to Peter C. Mei, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: _____

8-27-01

By: _____



Peter C. Mei
Reg. No. 39,768